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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,076	12/05/2003	Peter Skujins	1001.1687101	8841

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EXAMINER

COZART, JERMIE E

ART UNIT PAPER NUMBER

3726

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,076

Applicant(s)

SKUJINS ET AL.

Examiner

Jermie Cozart

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26 and 28 is/are rejected.
- 7) ☒ Claim(s) 1-25 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/18/04, 5/9/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Specification***

1. The disclosure is objected to because of the following informalities: On **page 14**, *lines 26 and 28*, "64" is objected to because it is the incorrect reference numeral used, therefore it is suggested to change "64" to - -65- -; On **page 15**, *line 18*, "that" in its second occurrence is objected to because it is the incorrect word used, therefore it is suggested to change "that" to - -than- -; On **page 19**, *line 8*, "a" in its first occurrence is objected to because it is grammatically incorrect in the used context, therefore it is suggested to delete "a" in its first occurrence, *line 9*, "96" is objected to because it is the incorrect reference numeral used, therefore it is suggested to change "96" to - -92- - and also on *line 9*, "97" is objected to because it is the incorrect reference numeral used, therefore it is suggested to change "97" to - -93- -; On **page 20**, *line 15*, "to" is objected to because it is the incorrect word used, therefore it is suggested to change "to" to - -too- -. Appropriate correction is required.

Claim Objections

2. Claims 1- 27 are objected to because of the following informalities: In **claim 1**, *line 11*, "the" in its third occurrence is objected to because it is grammatically incorrect in the used context, therefore it is suggested to delete "the" in its third occurrence, *line 13*, "surface the" is objected to because it is grammatically incorrect, therefore it is suggested to insert - -of- - after "surface"; In **claim 15**, *line 2*, "in" its second occurrence is objected to because it is grammatically incorrect in the used context, therefore it is suggested to delete "in" in its third occurrence; In **claim 20**, *line 3*, "connect attachment"

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is objected to because "the" is missing, therefore it is suggested to insert - -the- - before "attachment"; In claim 24, *line 13*, "the" in its third occurrence is objected to because it is grammatically incorrect in the used context, therefore it is suggested to delete "the" in its third occurrence, *line 15*, "surface the" is objected to because it is grammatically incorrect, therefore it is suggested to insert - -of- - after "surface"; In claim 25, *line 12*, "the" in its third occurrence is objected to because it is grammatically incorrect in the used context, therefore it is suggested to delete "the" in its third occurrence, *line 14*, "surface the" is objected to because it is grammatically incorrect, therefore it is suggested to insert - -of- - after "surface"; In claim 26, *line 15*, "the" in its third occurrence is objected to because it is grammatically incorrect in the used context, therefore it is suggested to delete "the" in its third occurrence, *line 17*, "surface the" is objected to because it is grammatically incorrect, therefore it is suggested to insert - -of- - after "surface"; In claim 27, *line 12*, "the" in its third occurrence is objected to because it is grammatically incorrect in the used context, therefore it is suggested to delete "the" in its third occurrence, *line 14*, "surface the" is objected to because it is grammatically incorrect, therefore it is suggested to insert - -of- - after "surface". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. In claim 26, lines 7-9, it is unclear as to what is meant by the phrase "wherein the outer perimeter of the second portion includes at least a part thereof that extends further from the longitudinal axis than any portion of the outer perimeter of the first portion".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 28 is rejected under 35 U.S.C. 102(e) as being anticipated by Abrams et al. (US 6,592,570 B2).

Abrams discloses a medical device (10), where an elongated core (11) is provided having a first end, a second end, and defines an outer surface. An elongated structure (24) is provided which includes a first portion and a second portion. A means (25) mechanically coupling the elongated structure (24) to the elongated core member (11), and coupling the elongated structure (24) to the elongated core member (11) using the coupling means (25). See column 6, lines 21-47, and figure 1 for further clarification.

Allowable Subject Matter

7. Claims 1-25 and 27 are objected to as containing minor informalities, but would be allowed pending correction of the minor informalities.

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8. Claim 26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

9. The following is a statement of reasons for the indication of allowable subject matter: Regarding claim 1, the prior art does not teach or suggest moving the elongated structure relative to the attachment member such that the second portion of the elongated structure engages the inner surface of the attachment member and the outer surface of the elongated core member to mechanically couple the elongated structure to the elongated core member, in combination with the other claimed limitations;

Regarding claim 24, the prior art does not teach or suggest moving the elongated structure relative to the attachment member such that the second portion of the elongated structure engages the inner surface of the attachment member and the outer surface of the elongated core member to mechanically couple the elongated structure to the elongated core member, in combination with the other claimed limitations;

Regarding claim 25, the prior art does not teach or suggest moving the elongated structure relative to the attachment member such that the second portion of the elongated structure engages the inner surface of the attachment member and the outer surface of the elongated core member to mechanically couple the elongated structure to the elongated core member, in combination with the other claimed limitations;

Regarding claim 27, the prior art does not teach or suggest moving the elongated structure relative to the attachment member such that the second portion of the elongated structure engages the inner surface of the attachment member and the outer

surface of the elongated shaft to mechanically couple the elongated structure to the elongated shaft.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited on the attached PTO-892 are cited to show guide wires for medical devices.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 20, 2006


JERMIE E. COZART
PRIMARY EXAMINER